

# Statewide Transportation Improvement Program (STIP):

## **Revision Procedures**

New Hampshire Department of Transportation



**March 25, 2008**  
*Approved*



## Table of Contents

<b>I. Overview.....</b>	<b>1</b>
<b>II. Decision Thresholds.....</b>	<b>1</b>
A. Amendment.....	2
B. Administrative Modification .....	2
C. Information Only.....	2
D. Project Cost Change Threshold Table .....	3
<b>III. Interagency Consultation .....</b>	<b>3</b>
A. Dispute Resolution.....	4
<b>IV. Amendments .....</b>	<b>4</b>
A. Metropolitan Areas .....	4
B. Non-Metropolitan Areas .....	4
<b>V. Administrative Modification.....</b>	<b>5</b>
A. Metropolitan Areas .....	5
B. Non-Metropolitan Areas .....	5
<b>VI. Information Only.....</b>	<b>6</b>
A. Metropolitan Areas .....	7
B. Non-Metropolitan Areas .....	7
<b>VII. Submission of STIP Updates.....</b>	<b>7</b>
<b>VIII. Air Quality Conformity .....</b>	<b>8</b>
<b>X. Appendix .....</b>	<b>9</b>
A. Definitions - Clarifications.....	9
B. Process Diagram.....	11
C. Approval Signatures.....	12

## ***I. Overview***

The NH Department of Transportation (NHDOT), through cooperation and coordination with the Metropolitan Planning Organizations (MPO) and the rural Regional Planning Commissions (RPC), maintains the Statewide Transportation Improvement Program (STIP). To comply with Federal rules the MPO area Transportation Improvement Programs (TIPs) and the NHDOT STIP must be consistent with one another. The approved STIP is frequently revised to reflect changes in project status, therefore, before the STIP is revised to reflect a project change in an MPO area, the MPO TIP must first be revised. Changes in project schedules, funding needs, and project scopes require revising the approved STIP.

These changes may be initiated from the NHDOT or at the MPO and depending upon their significance and complexity, require coordination from several agencies and may also require Federal approval. Through interagency consultation, the NHDOT participates with representatives from the Federal Highway Administration (FHWA), the Federal Transit Administration (FTA), the Environmental Protection Agency (EPA), and the NH Department of Environmental Services (NHDES), MPOs and RPCs to discuss issues, effects of, and requirements regarding revisions of the STIP. These issues include MPO public comments and participation periods, statewide comment periods, financial constraint and air quality conformity determinations.

The procedure for formally amending the STIP differs depending on the nature of the proposed amendment. Through Interagency Consultation, criteria have been developed describing the thresholds and triggers that will define what type of action is required to make a revision to the STIP. As described in 23 CFR 450 there are two types of revisions to an approved STIP: an Amendment and an Administrative Modification. Following are the thresholds or events that trigger the necessity for an amendment and the provisions that would allow for an administrative modification. A third category of change, Information Only, has been included in this process to facilitate the exchange of information and an expedited process when specific minor changes are made to projects within the STIP. To help ensure that the STIP remains financially constrained as revisions are made, the NHDOT will balance the net effect of project changes by year and provide supporting financial constraint documentation.

## ***II. Decision Thresholds***

The following thresholds were established by NHDOT in consultation with the MPO and rural RPCs, FHWA, FTA, EPA, and NHDES. The intent of setting these thresholds is to establish a transparent and consistent decision making process for how changes to projects within the STIP will be managed. For changes to the cost of projects, a sliding scale is outlined in Table II-1 (page 3) to determine which category of revision is required. All measurements for these cost changes will be made from the last approved STIP to account for incremental changes. Please refer to Appendix A for additional clarification on some of the terms and concepts outlined in the Decision Thresholds and throughout these Procedures.

## **A. Amendment**

- ❑ Any change to a project that impacts the regional emissions analysis used for the current Conformity Determination. Primarily affects Not Exempt projects with year or scope changes;
- ❑ Adding or removing a Regionally Significant or Not Exempt project or phase of a project (Appendix A for definition);
- ❑ Adding or removing a federally funded project or phase of a project;
- ❑ Making a change in the scope of work of a project that uses state or federal funds or of any regionally significant projects regardless of the funding source;
- ❑ A significant change in the total cost of a project (Table II-1, page 3);
- ❑ A change in the fiscal year of any phase of a project or portion of a phase in areas where expedited project selection procedures have not been adopted; no such areas currently exist in NH;
- ❑ Officially adding a project that had been included for illustrative purposes.

## **B. Administrative Modification**

- ❑ A moderate change in the total cost of a project (Table II-1, page 3);
- ❑ Combining or separating two or more projects that are part of an approved STIP;
- ❑ Combining or separating phases within a project that are part of an approved STIP;
- ❑ Identifying a specific project that was part of a general parent project and adjusting the parent project accordingly.

## **C. Information Only**

- ❑ A change in the fiscal year of any phase or portion of a phase of a project in areas where expedited project selection procedures have been adopted, provided they are advanced or delayed within the STIP years and do not affect the financial constraint of the STIP. Currently, procedures are in effect for the entire State of NH;
- ❑ Including illustrative projects in anticipation of the availability of federal or other funds. Such projects would also be removed through an Information Only revision;
- ❑ A minor change in the total cost of a project (Table II-1, page 3);
- ❑ Minor technical corrections, such as typographic errors or missing data.

## D. Project Cost Change Threshold Table

Table II-1

Total Cost of Project within approved STIP Years	Full Amendment	Administrative Modification	Information Only
	<i>Action Needed if the Change in Cost from the amount approved in the most current STIP is:</i>		
< \$1 Million	>75%	50% to 75%	<50%
		(\$750k limit)	(\$500k limit)
\$1 Million to \$5 Million	>30%	20% to 30% (\$750k limit)	<20% (\$500k limit)
> \$5 Million to \$10 Million	>20%	10% to 20% (\$1.5 million limit)	<10% (\$500k limit)
> \$10 Million to \$50 Million	>10%	5% to 10% (\$3.5 million limit)	<5% (\$750k limit)
Over \$50 Million	>5%	1% to 5% (\$5 million limit)	<1% (\$1 million limit)

## III. Interagency Consultation

Before a STIP revision can be adopted by NHDOT or recommended for approval by FHWA/FTA and prior to the start of any public comment periods, the proposed changes, whether initiated from the MPO or the NHDOT, will be discussed through interagency consultation meetings/phone conferences or correspondence. This review includes all projects eligible for amendments, administrative modifications, and most information only changes. Representatives from FHWA, FTA, EPA, NHDOT, NHDES, MPOs, and RPCs in the attainment area are invited to participate in monthly discussions. Any public input that has been received should be expressed through the planning commission staff in attendance or by the agencies.

Through interagency consultation a recommendation will be made regarding each project's regional significance. At a minimum, that recommendation will meet the standards outlined in 23 CFR 450. Interagency consultation also provides a forum to determine if a proposed revision will require a conformity determination.

Interagency consultation provides one of the first opportunities for MPOs, the federal agencies, and others involved to view and comment on potential STIP revisions. Any comments received through the consultation process may affect how the State selects to categorize the revisions before distributing them for public comment and formal review at the MPO level. In an urban area, final categorization is at the discretion of the MPO which may choose to process any lesser revision as a full Amendment. Alternatively, if an MPO wishes to process a change as a lesser revision than what was discussed at the interagency consultation, e.g. changing from an Amendment to an Information Only revision, it should be discussed again during the consultation process.

## **A. Dispute Resolution**

When disagreements arise over any aspect of a STIP revision that cannot be satisfactorily and amicably resolved between the immediate parties involved, they will be brought forward for discussion as part of the consultation process. The interagency group may provide guidance to the parties involved in the dispute and to whichever agency(s) have the ultimate approval authority. Any such guidance shall be documented in the meeting notes. However, while the guidance provided through interagency consultation should weigh heavily on decisions made to resolve the dispute, it is not binding.

## **IV. Amendments**

Amendments are major revisions that are intended to address substantial changes to projects or changes, either in scope or cost, that may affect air quality conformity or financial constraint. The amendment process also provides an opportunity to process all administrative modifications and information only changes that may have been approved since the previous amendment.

Amendments require, at a minimum, a 30-day public comment period, a conformity determination as needed, and subsequent approvals, but may also require a review or update to the air quality analysis (regional emissions analysis). In rural areas the timeframe to adopt an Amendment will likely be about 3 months. In MPO areas, the timeframe will likely take at least 3 months and may take up to 5 if there are air quality conformity issues. To the extent possible, amendments to the STIP will be processed on a quarterly basis.

### **A. Metropolitan Areas**

Project changes in an MPO area must comply with the provisions of 23 CFR 450.326 pertaining to TIP revisions. Regardless of whether the project change is initiated by the MPO or the NHDOT, the MPO board must adopt the change to their approved TIP. There must be a public participation process, consistent with the respective MPO public participation plan, and a public comment period of at least 30 days. Upon formal endorsement of the amendment at a public MPO meeting, the MPO shall provide a copy of the amendment to the State, FHWA and FTA. In non-attainment or maintenance areas, any amendment to the TIP must be accompanied by a corresponding conformity determination by the MPO. That conformity determination, depending upon the discussions through interagency consultation, may or may not require a new air quality analysis.

The State shall incorporate the amendment into the STIP and submit the amended STIP to FHWA/FTA for approval. The NHDOT must demonstrate that the STIP remains financially constrained. Each amendment shall be dated and sequentially numbered. The FHWA/FTA shall approve or disapprove the STIP amendment in whole or may choose to exclude specific projects from the approval. If the amendment consists of only highway projects or only transit projects and no conformity determination is required, the FHWA or FTA may approve the amendment unilaterally. Otherwise approval will be by joint letter. The state will forward copies of the approval to the affected MPOs. The MPO will, in turn, notify the affected Transit Operator(s), if transit projects are involved.

### **B. Non-Metropolitan Areas**

The NHDOT will notify the non-MPO area RPCs of the project changes and hold a 30-day public comment period in which to receive comments from the RPCs and the general public. The Director of Project Development for NHDOT will have approval authority for rural area

amendments to the STIP. After the comment period closes, the NHDOT forwards the amendment, along with any comments received, to FHWA/FTA for approval. Based on comments from the planning commissions or the public, additional consideration will be given to the proposed changes. The State will notify affected transit operators if transit projects are involved.

## **V. Administrative Modification**

Consistent with the definitions outlined in 23 U.S.C. 101(a) and 49 U.S.C. 5302, administrative modifications are minor revisions with the intent of allowing, where suitable, relatively small changes to be made to projects in an expedited fashion. Administrative modifications can be made based on the thresholds established in Section II-B (page 2) and in Table II-1 (page 3). The administrative modification option is available for projects at the discretion of the MPO, or the State in rural areas, which may instead opt for the formal amendment process. Unlike in the case of full amendments, an MPO may delegate the approval of modifications to a person or committee, e.g. the Executive Director or Executive Committee.

A list of all the projects that are potentially eligible for administrative modifications will be reviewed through the interagency consultation process. Following that review, each of the affected MPOs and rural planning commissions will receive a list of projects with the proposed changes within their jurisdiction. The NHDOT will certify that the STIP will remain financially constrained after taking into account the proposed project changes and will notify FHWA/FTA of the project changes. Administrative modifications should typically take less than 2 months to process.

To ensure consistency with federal regulations regarding air quality conformity, any project that is identified to potentially affect the air quality determination of a non-attainment or maintenance area will be discussed during interagency consultation. If, through consultation, a proposed administrative modification is identified as having an impact on the air quality determination, that revision will be escalated to an Amendment.

### **A. Metropolitan Areas**

Each MPO has the option to create and adopt, as part of their prospectus, procedures to process administrative modifications. The person or committee designated as having approval authority, or the MPO policy committee, will review the list of projects and issue a letter stating concurrence or disapproval of the proposed changes. The NHDOT will notify the FHWA/FTA of the approval of administrative modifications. The FHWA/FTA shall place these adjustment letters on file with the STIP and the State shall update the STIP to include these modifications periodically as full amendments or STIP updates are processed. If the person or board designated as having approval authority elects not to approve an administrative modification, that change could still be pursued through the full amendment process. FHWA/FTA will review modifications and will accept or not accept them, however, no formal approval will be required.

### **B. Non-Metropolitan Areas**

The NHDOT, through this document and in a manner consistent with federal regulations (23 CFR 450 and 23 USC), establishes procedures to act on project changes as administrative

modifications for the non-MPO areas of the State. These procedures have been developed through consultation with the regional planning commissions and federal agencies.

Project changes within the thresholds outlined in section II-B and in Table II-1 of this document (pages 2-3) may be processed as administrative modifications, provided:

- the NHDOT shall notify the affected RPCs in writing of the need for the proposed changes. This notice shall include an explanation of the purpose and need of the change and will be discussed through the interagency consultation process;
- for any project changes which will impact the timeline or amount of local matching funds, the NHDOT, in consultation with the RPC, shall determine that the funds will be available after contacting the governing body;
- written concurrence with the proposed change in project implementation is issued by the Director of Project Development of the NHDOT or their designee.

The NHDOT will notify the FHWA/FTA of the approval of administrative modifications. The FHWA/FTA shall place these adjustment letters on file with the STIP and the State shall update the STIP to include these modifications periodically as full amendments or STIP updates are processed. FHWA/FTA will review modifications and will accept or not accept them, however, no formal approval will be required.

## ***VI. Information Only***

Changes made through expedited project selection procedures as well as minor changes in project cost consistent with the thresholds established in Table II-1 (page 3) would qualify as Information Only changes. Information only changes are classified as minor revisions. These types of changes will be reported in the STIP as future amendments or STIP updates are processed. Information Only changes to projects will be reviewed through the interagency consultation process except in rare circumstances. Those rare circumstances include emergency revisions to projects due to an unforeseen need and will be limited to revisions eligible for expedited project selection procedures. The intended timeframe to approve project changes in the Information Only category is approximately 1 month. Unlike in the case of full amendments, an MPO may delegate the approval of information only changes to a person or committee, e.g. the Executive Director or Executive Committee. For the rural areas of NH, the Director of Project Development for NHDOT will have approval authority.

To ensure consistency with federal regulations regarding air quality conformity, any project that is identified to potentially affect the air quality determination of a non-attainment or maintenance area will be discussed during interagency consultation. If, through consultation, a proposed information only revision is identified as having an impact on the air quality determination, that revision will be escalated to an Amendment.

Included in Information Only changes, expedited project selection procedures provide flexibility to advance or delay projects within the STIP provided that there are no impacts to air quality conformity and that the STIP remains financially constrained by year.



## **A. Metropolitan Areas**

Each MPO has the option to create and adopt, as part of their prospectus, expedited project selection procedures. Once expedited project selection procedures have been adopted, the approval of changes to a project's schedule within the STIP is typically given at an administrative level, e.g. the Executive Director of a MPO.

A list of all the projects that are potentially eligible for expedited project selection procedures will be reviewed through the interagency consultation process. Following that review, each of the affected MPOs will receive a list of projects with the proposed schedule changes within their jurisdiction. The person designated as having approval authority by the MPO as part of the expedited project selection procedure will then review the list of projects and issue a letter to NHDOT stating concurrence or disapproval of the proposed changes.

When MPO approval of the change is received by NHDOT, the approval letter will be included with a submittal to FHWA/FTA as part of the next full amendment or update to the STIP. If approval of the change is not provided by the MPO, the project may be considered for a full STIP amendment, including the more rigorous public involvement and approval requirements. All projects approved through expedited project selection procedures will be included in the financial constraint information issued as part of STIP amendments or STIP updates.

## **B. Non-Metropolitan Areas**

The NHDOT, through this document and in a manner consistent with federal regulations (23 CFR 450.216 and 450.220), establishes procedures to act on project changes through an expedited project selection process for the non-MPO areas of the State. These procedures have been developed through consultation with the rural regional planning commissions.

Project changes within the thresholds outlined in section II-C and in Table II-1 of this document (pages 2-3) may be processed as information only changes, provided:

- the NHDOT shall notify the affected RPCs in writing of the need to delay or advance projects. This notice shall include an explanation of the purpose and need of the change and may be discussed through the interagency consultation process;
- for any project proposed to be advanced that requires local matching funds, the NHDOT, in consultation with the RPC, shall determine that the funds will be available after contacting the governing body;
- written concurrence with the proposed change in project implementation is issued by the Director of Project Development of the NHDOT or their designee.

Changes to projects through this expedited project selection procedure will be considered information only changes to the STIP and will be processed with future STIP amendments or updates.

## **VII. Submission of STIP Updates**

STIP amendments for single projects may be accommodated by FHWA/FTA, however, it is strongly suggested that the State bundle projects for approval and submit an updated STIP project

listing including a group of amendments, administrative modifications, and information only changes on a quarterly basis or less frequently if there have been no changes in the STIP during the previous quarter. This will make for a more rational tracking of the current STIP by the State, the Federal Agencies and the MPOs. Each amendment request shall be dated and sequentially numbered and three copies submitted to FHWA and one copy to FTA.

### ***VIII. Air Quality Conformity***

Any changes that will potentially trigger conformity are discussed and explored by the participating agencies through the interagency consultation process allowing potential impacts to be identified early in the revision process. STIP Amendments that involve Not Exempt projects must include a conformity determination.

If the proposed revision to the STIP will impact the existing air quality analysis, a new analysis and a new determination are required; such revisions will always require an Amendment. Any revisions to the air quality analysis also require an amendment of the MPO Regional Transportation Plan (RTP). The new air quality analysis shall be developed and amended into the RTP (consultation and public notice procedures apply). The amended TIP conformity determination would then be based on the amended RTP air quality analysis. The STIP amendment, the supporting RTP, and a statement of finding of conformity will then be submitted to FHWA/FTA for approval. The FHWA/FTA approval letter will reflect approval of this new conformity determination.

If the proposed revision to the STIP does not affect the existing regional emissions analysis, but triggers a determination of conformity for other reasons, it shall be explicitly reflected in the amendment with a statement that the finding of conformity relies on the previous (existing) regional emissions analysis.

## ***X. Appendix***

### **A. Definitions - Clarifications**

**Administrative Modification:** The middle tier of a revision requiring interagency consultation, approval by NHDOT and/or by a designee of an MPO, and notification of FHWA/FTA. Consistent with the definitions included in 23 CFR 450.104, administrative modifications are classified as minor revisions.

**Air Quality Conformity Determination:** Required under federal rules for areas that are classified as non-attainment or in maintenance of national ambient air quality standards. The Determination certifies that the area meets criteria pollution limits defined in the NH Statewide Implementation Plan.

**Amendment:** The highest tier of a revision requiring a 30-day public comment period, interagency consultation, adoption by NHDOT and/or approval by an MPO, approval by FHWA/FTA, and in non-attainment or maintenance areas, a finding of conformity. Consistent with the definitions included in 23 CFR 450.104, amendments are classified as major revisions

**Exempt Status:** A classification, Exempt or Not Exempt, given to all projects within non-attainment or maintenance areas. Project classifications are determined through Interagency Consultation. The project status is reported in the STIP under the heading CAA Code. For Exempt projects, a numeric code is included which is associated with the federal list of exempt activities.

**Expedited Project Selection Procedures:** A process outlined in federal rules that permit a change in the years of implementation of a project or phase of a project provided that the original date(s) and revised date(s) were contained in an approved STIP. For the urban areas of the state, each MPO, if they wish to utilize these expedited procedures, must adopt them as part of their prospectus. Under these procedures, this type of change falls into the Information Only tier of revision.

**Illustrative Projects:** Projects that are included in the STIP in anticipation of the receipt of federal or other funds. Illustrative projects are not required to be included in financial constraint information nor in an air quality analysis. Such projects are not eligible for federal funding until they are officially added through an Amendment. The primary reasons to add projects for illustrative purposes are to document the projects, spur open discussion among stakeholders, and to identify the need for additional resources.

**Information Only:** The lowest tier of a revision requiring interagency consultation and approval by NHDOT and/or by a designee of an MPO. Consistent with the definitions included in 23 CFR 450.104, information only revisions are classified as minor revisions.

**Phase:** A component of a project defined as Preliminary Engineering (P), Right of Way (R), or Construction (C) programmed with a dollar amount and a fiscal year.

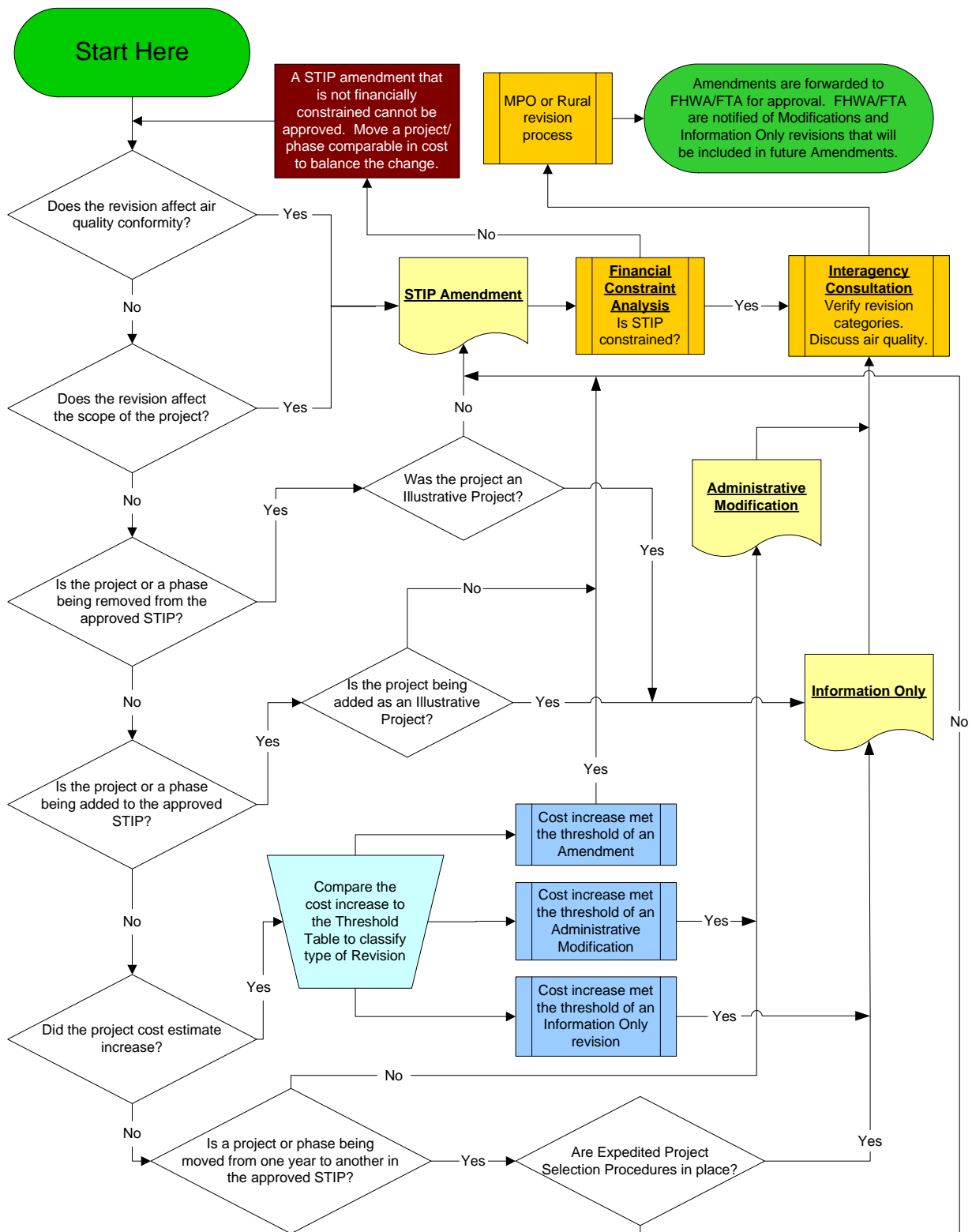
**Regional Emissions Analysis:** The process to identify and document the anticipated effects of a project on air quality. An analysis is conducted for projects in non-attainment or maintenance areas. Project changes that could affect an analysis include, but are not limited to, any that impact capacity, congestion, travel speeds, project areas or the exempt status of a project. Any change to an analysis requires an Amendment and a new Determination.

**Regionally Significant:** A determination discussed through interagency consultation, made by an MPO or the State, and documented in a TIP, Conformity Document, and/or other Plan. Federal rules generally define regionally significant projects to include those that serve regional transportation needs, specifically identifying principal arterials. Most revisions made to a designated Regionally Significant project will qualify as Amendments. Work completed on the Interstate, Turnpike, or NHS system would typically qualify as regionally significant.

**Revision:** Any change to a project within the STIP.

**STIP Update:** A process undertaken on a biennial basis in NH to publish a new STIP that includes all relevant project information for a period of 4 years.

## B. Process Diagram



## C. Approval Signatures

IN WITNESS WHEREOF the parties hereto have APPROVED these PROCEDURES on the day and year written below.

### Department of Transportation

This is to certify that these PROCEDURES have been reviewed by the DEPARTMENT and are APPROVED as to form and execution and are considered ADOPTED.

Dated: 3/11/08

By: 

William J. Cass, P.E.  
Director of Project Development  
NHDOT

Title: \_\_\_\_\_

### Federal Highway Administration

This is to certify that these PROCEDURES have been reviewed by this office and are APPROVED as to form and execution.

Dated: 3/17/08

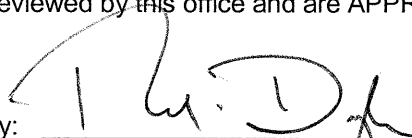
By: 

Title: DIVISION ADMINISTRATOR

### Federal Transit Administration

This is to certify that these PROCEDURES have been reviewed by this office and are APPROVED as to form and execution.

Dated: 3/25/08

By: 

Title: REGIONAL ADMINISTRATOR